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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,817	04/26/2002	Helmut Gross	QUE04 P-309	8141
277	7590	12/19/2003	EXAMINER	
PRICE HENEVELD COOPER DEWITT & LITTON 695 KENMOOR, S.E. P O BOX 2567 GRAND RAPIDS, MI 49501			ALIE, GHASSEM	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 12/19/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/031,817

Applicant(s)

GROSS ET AL.

Examiner

Ghassem Alie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 15-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15 and 25 is/are rejected.
- 7) ☒ Claim(s) 16-24 and 26-28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 15 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Maschinot (3,741,057). Regarding claim 1, Maschinot teaches a device for die-cutting a stack of sheet materials including a punch platen 17. Maschinot teaches a cutting-die that is also hollow since a stack of labels is forced by the ram through the cutting die. See col. 2, lines 1-11. Maschinot also teaches a frame 30 for receiving and retaining the die-cutting blade, wherein the die-cutting blade is adjustable relative to the frame 30. Maschinot also teaches a receiving apparatus 20 adjustably mounted to the punch platen 17, wherein the receiving apparatus 20 receives and retains the frame 30. The receiving apparatus is adjustable relative to the punch platen 17 by clamps 24. Maschinot also teaches a cylinder 29 including a movable ram 38 for engaging stacks of sheet materials and pressing the sheet materials into the die-cutter blade wherein initial position of the punch plate is maintained with respect to the cylinder 39 during the operation of the moveable ram 38. See Figs. 1-4 and col. 2, lines 1-67 in Maschinot.

Regarding claim 25, Maschinot also teaches that the clamping the frame 29 has an adjusting element for facilitating alignment of a knife-edge of portion of the die-cutting blade with respect to the frame. The clamps 31, 32 adjust the cutting edge of the die-cutting blade relative to the frame. See Fig. 4 in Maschinot.

***Allowable Subject Matter***

3. Claims 16-24 and 26-28 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach that the receiving apparatus includes two adjustable parallel gibs which accept the frame as set forth in claim 16. The prior art also fails to teach that the frame is tiltable with respect to the plane parallel to the punching plate as set forth in claim 18 and the adjustable element of the frame is an adjusting ruler as set forth in claim 26. The prior art also fails to teach a frame portion having parallel lateral legs and clamping beams, which are slideable with respect to the frame portion as set forth in claims 27 and 28.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wallis (4,602,497 and 4,665,733 and 4,590,788), Iwata (4,501,179), France (4,610,185), Terasaka (3,982,458), Ames (958,459), Nakamura (4,274,332), Clark (1,008,115), Nolan et al. (5,009,140), and Halward (2,956,321) teach a punch platen having a frame for receiving and retaining the die-cutting blade.

5. Applicant's substitute specification is helpful to the Examiner to understand the present invention. However, since the pervious specification was confusing and difficult to follow, this action is made final.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

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policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (703) 305-4981. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (703) 305-1082. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9302 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

GA/ga

December 12, 2003

  
Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700